

NSC-D/LOS # 373

MEMORANDUM

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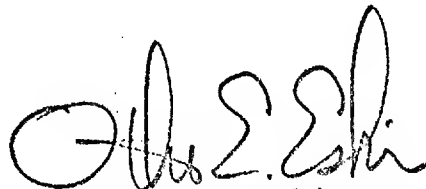
May 15, 1975

TO : Members of the LOS Executive Group

SUBJECT : Congressional Testimony by John Norton Moore

Attached for your clearance and comments is the draft testimony to be given by John Norton Moore before the House Committee on Merchant Marine and Fisheries, Subcommittees on Fisheries and Wildlife Conservation and the Environment on May 19, 1975. Please phone your comments and clearance to me (632-8232) or to Myron Nordquist (632-2658) by c.o.b. Friday, May 16.

The draft testimony of Thomas Clingan before the same Subcommittee will be distributed shortly.



Otho E. Eskin
Staff Director

State Dept. review completed

Attachment:

a/s.

Approved For Release 2002/05/23 : CIA-RDP82S00697R000400090004-3
STATEMENT BY THE HONORABLE JOHN NORTON MOORE, CHAIRMAN,
NSC INTERAGENCY TASK FORCE ON THE LAW OF THE SEA, DEPUTY
SPECIAL REPRESENTATIVE OF THE PRESIDENT FOR THE CON-
FERENCE ON THE LAW OF THE SEA AND UNITED STATES REPRESENTATIVE
TO THIRD UNITED NATIONS CONFERENCE ON THE LAW
OF THE SEA, BEFORE THE HOUSE COMMITTEE ON MERCHANT
MARINE AND FISHERIES, SUBCOMMITTEE ON FISHERIES AND WILD-
LIFE CONSERVATION AND THE ENVIRONMENT, MAY 19, 1975

Mr. Chairman:

It is a pleasure to again appear before this Subcommittee to report on the progress made at the recently concluded Geneva session of the Third United Nations Conference on the Law of the Sea. Before turning to the substance of my report, I would like to thank the many members of this Committee who came to Geneva and participated in the work of the Delegation. Whatever our differences have been on the timing of specific interim legislation, Congress and the Executive have been united on the importance of a timely and successful Law of the Sea Treaty which fully protects the vital interests of the United States and the world community as a whole. Your cooperation and support has been of great assistance in moving toward that goal. For our part, we recognize that the formulation of United States ocean's policy is a shared responsibility between Congress and Executive and we are determined to make the law of the sea a paradigm of cooperative partnership.

In previous testimony before this Committee, I have indicated that there were reasonable prospects of adhering

to the General Assembly schedule and completing the work of the Conference during 1975. Indeed, this timing has been a cornerstone of our interim policy. I regret to report to you that I was wrong and that this schedule was overly optimistic. It is now clear that the negotiations cannot be completed before mid 1976 at the earliest and at this time it is not clear whether or not a treaty can be completed during 1976. The Conference has agreed to recommend to the General Assembly that the next session will be held for eight weeks beginning on March 29, 1976 and that the Conference will then decide whether an additional session is needed during the summer of 1976. Though such a schedule could conclude a treaty during 1976 if there is sufficient will to do so, I would not be frank with this Committee if I did not express my disappointment that a target date to conclude a treaty was not unambiguously agreed by the Conference despite what seems to be majority sentiment for conclusion during 1976.

In the light of this timing problem, we are now conducting a thorough reevaluation of our interim policy to ensure the necessary balance is found between our broad interest in a multilateral resolution of oceans' problems and our more immediate needs, particularly the protection of coastal fisheries stocks. This reevaluation will take into account the strong preference of many members of Congress for an extension of coastal fisheries jurisdiction to 200

miles, the nearly universal acceptance by the Conference of the 200-mile economic zone, and the need to construct an interim policy which encourages the timely conclusion of a comprehensive Law of the Sea Treaty in the interests of all nations.

Because of the concern of many members of Congress with our immediate oceans' needs, during the next few weeks, I and others will be consulting closely with this and other interested committees of both Houses. As a responsible nation and a good neighbor, we will also be consulting with our immediate neighbors and other affected nations.

Because of the urgent need to complete a reevaluation of our interim policy, we have set September 1, 1975 as the date by which we will have submitted to the Congress whatever interim legislation we believe is required. By that time we will submit to the Congress not only our recommendations, but also a full and frank evaluation of the factors that we have weighed. This evaluation will not be a brief for our conclusions, whatever they may be. Rather, it will be as objective as possible and will lay before you the many factors which both the Congress and the Executive must weigh.

We wish to make clear that we do not preclude any particular conclusion to our reevaluation, including the principal proposals now pending before you. We ask only that together we plan an interim policy which will be most effective in meeting our interim needs and encouraging a satis-

factory long-run solution through a comprehensive Law of the Sea Treaty.

Despite the disappointment with respect to the pace and timing of the Conference work program, the Geneva session made progress and, in some respects, substantial progress. Most significantly, the will to negotiate, which had been largely missing at Caracas, was in greater, if not universal, evidence. There was no general debate and negotiations in small, informal groups of principally interested states largely replaced less useful restatements of positions in the Committees of the whole. This increased will to negotiate led directly to the most important achievement of the session: the preparation of a single text of treaty articles on virtually all subjects before the Conference. This informal single text has been given to your Committee Staff for inclusion in the record of this hearing, if you so desire. The single text was prepared by the Chairman of each of the three Committees pursuant to a formal Conference decision. Although, the single text is not a fully negotiated or consensus document, it is in important respects, particularly in Committees II and III, an indication of an overall package necessary for a satisfactory treaty. Moreover, in many respects, for example with respect to articles on baselines, innocent passage in the territorial sea, the high seas, and many general articles on the protection of the marine environment, the single text

reflects virtual consensus work at the Committee level. In other respects, for example, the economic zone and transit of straits, it largely reflects areas of broad support negotiated within informal working groups. In some other respects, particularly in Committee I which deals with the difficult problem of a regime and machinery for deep seabed mining, in our opinion, the single text did not reflect the kind of accommodation necessary for agreement.

Even though it is not a fully negotiated or consensus text, the preparation of the single text is a significant and necessary step toward a treaty. For the first time, the Conference will be able to focus on a specific text rather than a multitude of alternatives and national proposals. And for the first time it will be possible to study the overall relationships inherent in a comprehensive package agreement. Though no government, including our own, will be completely satisfied with the content of the single text, it now makes more rapid Conference progress possible. I believe that for the most part it also reflects a widely shared view about the nature of the overall package in a manner conducive to the achievement of a realistic and widely acceptable Treaty.

Of particular concern to this Subcommittee, the single text in Committee II strongly confirms coastal State conservation and management jurisdiction over coastal species of fish out to 200 miles and provides realistic protection

for anadromous stocks within and beyond 200 miles. While the text also contains recognition of the need for international management of highly migratory species, informal negotiations have not yet produced the same degree of consensus evident with respect to coastal and anadromous stocks. Ambassador Tom Clingan who is accompanying me today will be going into this subject in greater detail.

The Conference on the Law of the Sea is one of the most complex and important negotiations in our history. It touches the raw nerves of national interests in almost all nations of the world, and particularly of the United States which has perhaps the largest and most diverse oceans' interests of any nation. Our disappointment at the pace of the negotiations is genuine and requires a careful re-thinking of our interim policy. But it is equally necessary in reformulating a realistic interim policy that we not lose sight of our shared commitment to a comprehensive treaty. A treaty which fully protects the vital interests of the United States and of the world community as a whole is in the interest of all nations. We will continue to do our part to encourage such an agreement.

I believe that the common purpose that has sustained the Law of the Sea Negotiations through its difficult, time-consuming early stages is intact. That purpose is the shared conviction of leaders from all parts of the world that law, not anarchy, will best serve man's future in the oceans.

The real problems of nations that make this negotiation difficult will not disappear if we do not succeed; they will become worse. There are, of course, basic differences in national interest and the sense of urgency of resolving our oceans' problems, as well as basic differences of perception on how best to protect common interests. But no one, I believe, would willingly choose the course of chaos in which even great power prevails at great cost.

Thank you, Mr. Chairman.